

# The New York City Council

*City Hall  
New York, NY 10007*



## Meeting Minutes

**Tuesday, June 22, 2004**

**7:30 PM**

**Recessed Meeting of June 7, 2004**

**Council Chambers - City Hall**

## City Council

*A. Gifford Miller, Speaker*

*Members: Joseph P. Addabbo, Jr., Tony Avella, Maria Baez, Charles Barron, Tracy L. Boyland, Gale A. Brewer, Yvette D. Clarke, Leroy G. Comrie, Jr., Bill de Blasio, Erik Martin Dilan, Simcha Felder, Lewis A. Fidler, Helen D. Foster, Dennis P. Gallagher, James F. Gennaro, Vincent J. Gentile, Alan J. Gerson, Eric N. Gioia, Sara M. Gonzalez, Robert Jackson, Letitia James, Allan W. Jennings, Jr., Melinda R. Katz, G. Oliver Koppell, Andrew J. Lanza, John C. Liu, Margarita Lopez, Miguel Martinez, Michael E. McMahon, Hiram Monserrate, Eva S. Moskowitz, Michael C. Nelson, James Oddo, Annabel Palma, William Perkins, Madeline Provenzano, Christine C. Quinn, Domenic M. Recchia, Jr., Philip Reed, Diana Reyna, Joel Rivera, James Sanders, Jr., Larry B. Seabrook, Helen Sears, Jose M. Serrano, Kendall B. Stewart, Peter F. Vallone, Jr., Albert Vann, David I. Weprin and David Yassky*

Recessed Meeting of June 7, 2004 held on June 22, 2004

1. The President Pro Tem (Council Member Rivera) will call the meeting to order.

2. Roll Call

**Present,**

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., de Blasio, Dilan, Felder, Fidler, Foster, Gallagher, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Jackson, James, Jennings Jr., Katz, Koppell, Lanza, Liu, Lopez, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Oddo, Palma, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Reyna, Rivera, Sanders Jr., Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin and Yassky

**Excused,**

Gotbaum

3. The Clerk will announce the presense of a quorum.

4. Supplemental Messages & Papers from the Mayor

**M 0184-2004**

**Communication from the Mayor - "AN ACT to amend the real property tax law, in relation to a rebate of real property taxes on certain residential real property in a city having a population of one million or more; and to amend the tax law, in relation to authorizing any city having a population of one million or more to provide an earned income tax credit against the personal income tax of such city." S.7606-A / A.11719**

**Attachments:** Agenda, Committee Report, Fiscal Impact Statement, Hearing Transcript, June 22

5. Supplemental Communications from City, County & Borough Offices

*None.*

6. Supplemental Petitions and Communications

*None.*

7. Supplemental Land Use Call-Ups

*None.*

8. Supplemental Communication from the Speaker

*None.*

9. Supplemental Discussion of General Orders

## 10. Supplemental Reports of Special Committees

*None.*

## 11. Supplemental Reports of Standing Committees

Report of the Committee on Education

**Res 0152-2004     Resolution rejecting the Mayor's ill-conceived educational policy of retaining third graders in New York City public schools based upon their scores on the English language and mathematics standardized examinations, by which time it is too late to begin intervention for struggling students, and which policy offers those students too little support.**

**Attachments:** Committee Report 3/3, Hearing Transcript 3/3, Committee Report 6/22, Hearing Transcript 6/22, Hearing Transcript - Stated Meeting 6/28, Flyer, Testimony - Jill S. Levy, Testimony - UFT, Witness List, Information Request & Responses

Report of the Committee on Public Safety

**Int 0142-2004     A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the use of racial or ethnic profiling by law enforcement officers.**

**Attachments:** Committee Report 2/23, Hearing Transcript 2/23, Committee Report 6/2, Committee Report 6/22, Hearing Transcript 6/2, Hearing Transcript 6/22, Hearing Transcript - Stated Meeting 6/28, Fiscal Impact Statement - A, Local Law

**Enactment No:** 2004/030

Report of the Committee on State and Federal Legislation

**SLR 0147-2004** State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Lafayette, Mayersohn, P. Rivera, Pheffer, Peralta, Gianaris, Grannis, Seddio, Stringer, Colton, Greene, Dinowitz, Markey and Ortiz, et al, A.4806-B, "AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to the number of intersections at which traffic-control signal photo violation -monitoring devices may be installed and reporting upon the use of a traffic-control signal photo violation monitoring system; to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic-control signal violations, in relation to the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989, amending the administrative code of the city of New York, relating to civil liability of vehicle owners for traffic-control signal violations, in relation to the effectiveness thereof".

**Attachments:** Committee Report, Agenda, Fiscal Impact Statement, Hearing Transcript, Hearing Transcript - Stated Meeting

This SLR was Approved, by Council

**SLR 0148-2004** State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Padavan, S.5931-B, and Assembly Member Weprin, A.9417-B, "AN ACT authorizing the city of New York to sell and convey certain property to Yeshiva Har Torah".

**Attachments:** Committee Report, Agenda, Fiscal Impact Statement, Hearing Transcript, Hearing Transcript - Stated Meeting

This SLR was Approved, by Council

**M 0184-2004** Communication from the Mayor - "AN ACT to amend the real property tax law, in relation to a rebate of real property taxes on certain residential real property in a city having a population of one million or more; and to amend the tax law, in relation to authorizing any city having a population of one million or more to provide an earned income tax credit against the personal income tax of such city." S.7606-A / A.11719

**Attachments:** Agenda, Committee Report, Fiscal Impact Statement, Hearing Transcript, June 22

## 12. Supplemental General Order Calendar

**Int 0188-2004      A Local Law to amend the administrative code of the city of New York, in relation to prohibiting acts of harassment at schools.**

**Attachments:** Committee Report 4/26, Hearing Transcript 4/26, Fiscal Impact Statement, Committee Report 9/9, Hearing Transcript - Stated Meeting 6/28, Hearing Transcript 9/9, Local Law, Mayor's Veto Message - Cover, Mayor's Veto Message, Hearing Transcript - Stated Meeting 9/9/04

**Enactment No:** 2004/042

**Int 0261-2004      A Local Law to amend the administrative code of the city of New York, in relation to requiring that the New York city department of education provide voter registration forms to students.**

**Attachments:** Committee Report 6/9, Committee Report 6/16, Fiscal Impact Statement - A, Local Law, Hearing Transcript 6/9, Hearing Transcript 6/16, Witness List

**Enactment No:** 2004/034

**Res 0389-2004      Resolution calling upon government officials to protect and uphold First Amendment rights to freedom of speech, association and assembly.**

**Attachments:** Committee Report, Hearing Transcript - Stated Meeting, Hearing Transcript

Coupled on General Order Calendar

State and Federal Legislation

**SLR 0147-2004** State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Lafayette, Mayersohn, P. Rivera, Pheffer, Peralta, Gianaris, Grannis, Seddio, Stringer, Colton, Greene, Dinowitz, Markey and Ortiz, et al, A.4806-B, "AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to the number of intersections at which traffic-control signal photo violation -monitoring devices may be installed and reporting upon the use of a traffic-control signal photo violation monitoring system; to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic-control signal violations, in relation to the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989, amending the administrative code of the city of New York, relating to civil liability of vehicle owners for traffic-control signal violations, in relation to the effectiveness thereof".

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**Attachments:** Agenda, Committee Report, Fiscal Impact Statement, Hearing Transcript, June 22

*The President Pro Tem Council Member Rivera) put the question whether the Council would agree with and adopt such reports which were decided in the affirmative by the following vote:*

**Affirmative,** 51 -

Speaker Miller, Addabbo Jr., Avella, Baez, Barron, Boyland, Brewer, Clarke, Comrie Jr., de Blasio, Dilan, Felder, Fidler, Foster, Gallagher, Gennaro, Gentile, Gerson, Gioia, Gonzalez, Jackson, James, Jennings Jr., Katz, Koppell, Lanza, Liu, Lopez, Martinez, McMahon, Monserrate, Moskowitz, Nelson, Oddo, Palma, Perkins, Provenzano, Quinn, Recchia Jr., Reed, Reyna, Rivera, Sanders Jr., Seabrook, Sears, Serrano, Stewart, Vallone Jr., Vann, Weprin and Yassky

13. Supplemental Introduction & Reading of Bills  
See Attached

14. Supplemental Discussion of Resolutions

15. Supplemental Resolutions

**Res 0014-2004      Resolution honoring and commemorating the bicentennial anniversary of Haiti.**

**Attachments:**    Committee Report, Hearing Transcript, Hearing Transcript - Stated Meeting  
*Adopted unanimously by voice-vote.*

**Res 0231-2004      Resolution calling upon the Congress of the United States of America to enact legislation that requires criminal background checks on all applicants for flight instruction, pilot licenses and the renewal of a pilot license and to reject such applications if a felony conviction is revealed.**

**Attachments:**    Committee Report, Hearing Transcript, Hearing Transcript - Stated Meeting  
*Adopted unanimously by voice vote.*

16. Supplemental General Discussion

17. Supplemental Extension of Remarks

INTRODUCTION AND READING OF BILLS

**SLR 0147-2004**     **State Legislation Resolution requesting the New York State Legislature to pass a bill introduced by Assembly Members Lafayette, Mayersohn, P. Rivera, Pheffer, Peralta, Gianaris, Grannis, Seddio, Stringer, Colton, Greene, Dinowitz, Markey and Ortiz, et al, A.4806-B, “AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to the number of intersections at which traffic-control signal photo violation -monitoring devices may be installed and reporting upon the use of a traffic-control signal photo violation monitoring system; to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law, relating to the civil liability of vehicle owners for traffic-control signal violations, in relation to the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989, amending the administrative code of the city of New York, relating to civil liability of vehicle owners for traffic-control signal violations, in relation to the effectiveness thereof”.**

**Sponsors:**     By Council Member Rivera

**Attachments:**     Committee Report, Agenda, Fiscal Impact Statement, Hearing Transcript, Hearing Transcript - Stated Meeting

**SLR 0148-2004**     **State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Padavan, S.5931-B, and Assembly Member Weprin, A.9417-B, “AN ACT authorizing the city of New York to sell and convey certain property to Yeshiva Har Torah”.**

**Sponsors:**     By Council Members Rivera, Weprin and Gerson

**Attachments:**     Committee Report, Agenda, Fiscal Impact Statement, Hearing Transcript, Hearing Transcript - Stated Meeting

*At this point the Speaker (Council Member Miller) made the following announcements*

*Whereupon on motion of the Speaker (Council Member Miller), the President Pro Tem (Council Member Rivera) recessed the meeting.*